

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY UTILITIES)	
COMPANY FOR CERTIFICATES OF PUBLIC)	
CONVENIENCE AND NECESSITY AND)	CASE NO.
APPROVAL OF ITS 2016 COMPLIANCE PLAN)	2016-00026
FOR RECOVERY BY ENVIRONMENTAL)	
SURCHARGE)	

ORDER

On March 24, 2016, Kentucky Utilities Company (“KU”) filed a petition, pursuant to KRS 61.878(1) and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to KU’s responses to Commission Staff’s First Request for Information (“Staff’s First Request”), Items 28–32, for a period of five years. The designated materials for which confidential protection is requested in KU’s responses to Staff’s First Request, Items 28–32, are more specifically described as dispatch costs for the combined generating fleet of KU and its sister utility, Louisville Gas and Electric Company; replacement generating capacity costs used in KU’s cost-benefit analyses; financial information, including costs negotiated with vendors; and confidential transmission information.

In support of its petition requesting confidential treatment, KU asserts that the designated materials contain commercially sensitive information that, if publicly disclosed could place KU at a competitive disadvantage and could impede the KU’s ability to procure the best contract terms in negotiations with other entities, which would result in harm to KU customers by increasing the cost of service. KU states that the

designated materials in its responses to Staff's First Request, Items 28–32, are generally recognized as confidential and thus exempt from public disclosure pursuant to KRS 61.878(1)(c). KU further states that that federal law¹ prohibits the public disclosure of confidential transmission information, such as that contained in KU's responses to Staff's First Request, Items 28–32, and thus the confidential transmission information in KU's responses to Staff's First Request, Items 28–32, are exempt from public disclosure pursuant to KRS 61.878(1)(k).

Having carefully considered the petition and the materials at issue, the Commission finds that the designated materials contained in KU's responses to Staff's First Request, Items 28–32, are records that are generally recognized as confidential or proprietary, and which, if openly disclosed, could result in commercial harm to KU, and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1), KRS 61.878(1)(k), and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. KU's petition for confidential protection for its responses to Staff's First Request, Items 28–32, is granted.
2. The materials set forth in KU's responses to Staff's First Request, Items 28–32, shall not be placed in the public record or made available for public inspection for a period of five years, or until further Orders of this Commission.
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

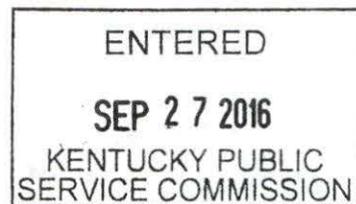
¹ 18 C.F.R. Part 358.

4. KU shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then KU shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If KU is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow KU to seek a remedy afforded by law.

By the Commission



ATTEST:


Executive Director

*Honorable Allyson K Sturgeon
Senior Corporate Attorney
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*Lawrence W Cook
Assistant Attorney General
Office of the Attorney General Utility & Rate
1024 Capital Center Drive
Suite 200
Frankfort, KENTUCKY 40601-8204

*Derek Rahn
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*Honorable Michael L Kurtz
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Honorable W. Duncan Crosby III
Attorney at Law
Stoll Keenon Ogden, PLLC
2000 PNC Plaza
500 W Jefferson Street
Louisville, KENTUCKY 40202-2828

*Monica Braun
STOLL KEENON OGDEN PLLC
300 West Vine Street
Suite 2100
Lexington, KENTUCKY 40507-1801

*Jody M Kyler Cohn
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Robert Conroy
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*Honorable Kurt J Boehm
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Sara Veeneman
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*Honorable Kendrick R Riggs
Attorney at Law
Stoll Keenon Ogden, PLLC
2000 PNC Plaza
500 W Jefferson Street
Louisville, KENTUCKY 40202-2828

*Kentucky Utilities Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40232-2010

*Honorable Lindsey W Ingram, III
Attorney at Law
STOLL KEENON OGDEN PLLC
300 West Vine Street
Suite 2100
Lexington, KENTUCKY 40507-1801